

**THE STORY OF THE
INCUMBERED
ESTATES COURT. FROM
"ALL THE YEAR ROUND"**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649492558

The Story of the Incumbered Estates Court. From "All the Year Round" by Percy Fitzgerald

Except for use in any review, the reproduction or utilisation of this work in whole or in part in any form by any electronic, mechanical or other means, now known or hereafter invented, including xerography, photocopying and recording, or in any information storage or retrieval system, is forbidden without the permission of the publisher, Trieste Publishing Pty Ltd, PO Box 1576 Collingwood, Victoria 3066 Australia.

All rights reserved.

Edited by Trieste Publishing Pty Ltd.
Cover @ 2017

This book is sold subject to the condition that it shall not, by way of trade or otherwise, be lent, re-sold, hired out, or otherwise circulated without the publisher's prior consent in any form or binding or cover other than that in which it is published and without a similar condition including this condition being imposed on the subsequent purchaser.

www.triestepublishing.com

PERCY FITZGERALD

**THE STORY OF THE
INCUMBERED
ESTATES COURT. FROM
"ALL THE YEAR ROUND"**

THE STORY
OF THE
INCUMBERED ESTATES COURT.

FROM
"ALL THE YEAR ROUND."

BY
PERCY FITZGERALD, ESQ. M.R.I.A.

"But I am for leaving a quantity of land in commerce to excite industry and keep money in the country."—BOSWELL'S LIFE OF JOHNSON.

LONDON:
SAUNDERS, OTLEY, AND CO.
66, BROOK STREET.
1862.

250.g. 45.

TO THE RIGHT HONORABLE
JAMES HENRY MONAHAN,
CHIEF JUSTICE OF THE COURT OF COMMON PLEAS
IN IRELAND.

PREFACE.

“There are a hundred faults in this thing,” wrote amiable Doctor Goldsmith in his Preface to his famous “Vicar.” But he adds presently, by way of corrective, “a book may be amusing with numerous errors.” Some such apology, framed on so excellent a precedent, may be offered for the “thing” that is here introduced to the Public.

Errors no doubt there are, possibly a full and substantial crop. But the aim has been to furnish not so much a precise, as a broad and

substantial sketch, tolerably accurate in the main, yet, perhaps, sinning a good deal by way of omission. The original shape too, in which this little Tract appeared, must be all the excuse for the somewhat light and irreverent character of the style in which a grave and even awful subject is dealt with. The wagonnettes of periodical Literature—specially those which run weekly—necessitate airy lines of construction.

I have only to add, that Mr. Dickens has, with his usual kindness, permitted me to reprint such portions of these Sketches as have appeared in his well-known Journal.

STORY
OF THE
INCUMBERED ESTATES COURT.

CHAPTER I.

THE DISEASE.

THE patient lay almost at the last gasp.

This was not surprising, considering that the whole system had been wasting in a sort of pecuniary atrophy; that it had been bled murderously over and over again by the fiscal lancet: that a poor-rate Cantharides blister had been applied on the raw, fresh and fresh; that a rebellious fever was working in its blood, ready to burst out upon the surface in angry pustules; and that a

fierce emigration dysentery was griping its vitals. Taking this hopeful diagnosis into account, I say it was not so very surprising. The ordinary medical Sangrados had done their best—and their worst—had played out their consultations, stethoscopic soundings, fees, and other bits of the regular show, and were now gazing with an awful respect at the two eminent metropolitan practitioners—sent for specially—who were standing by the bed. The eminent practitioners—the Sir Parker Peps of the House of Parliament, with a smaller official brother—had seen the desperate nature of the case, and were now turning up their shirt-sleeves for a frightful operation. The patient was that part of the kingdom of Great Britain and Ireland called Ireland; the eminent metropolitan surgeons were no other than the Right Honourable the Lord John Russell, M.P., with the Solicitor-General of the

period; and the perilous operation was the famous Incumbered Estates Act of eighteen hundred and forty-nine.

It was indeed time that something should be done. Under the questionable treatment of famines, seditions, agitations, evictions, arms bills, coercion bills, and suspensions of habeas corpus, the features of an Incumbered estate, always exceptional, acquired a new and very curious interest. Where there were no tenants to pay rents, it would be unreasonable to look for rents; and where poor-rates were at the modest figure of one pound in the pound, it may be assumed that landlords were shy of assuming their real character. Under this general elimination of rents, landlords, and tenants, the situation was distressingly simplified, and to mere unimpassioned spectators presented a field for the strangest speculation.